IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.29505 of 2008
1. KIRAN DEVI w/o Laxmi Yadav
2. Santula Devi w/o Biso Yadav
Both resident of village Bishpuria, P.S.- Kharik, District-Bhagalpur - PETITIONERS
Versus
THE STATE OF BIHAR
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2. 30.09.2008 Heard learned counsel for the petitioners and learned counsel for the State.

This Court finds it very difficult to adjudicate upon this application for anticipatory bail. The impugned order of rejection is of no help at all and does not consider or deal with the materials in the case diary which persuaded it to reject the application for anticipatory bail.

The order dated 17.5.2008 in A.B.P. No. 511 of 2008 arising out of Naugachia (Kharik) P.S. Case No. 275 of 2002 passed by the Sessions Judge, Bhagalpur is set aside. The matter is remanded to the court below to rehear the petitioners and pass fresh speaking order from the materials in the case diary.

Let the petitioners file a fresh application before the court below for re-hearing of the plea for anticipatory bail within a period of six weeks.

It is made clear that the jurisdiction of the court below on merits shall not be inhibited in any manner while considering such prayer because of the present order of remand.

Let this order be communicated to the court below by fax at the cost of the petitioners.

The application stands disposed.

AKS/ **(Navin Sinha, J.)**

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